IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

CRP.No. 72 of 2005()

OP ELE.458/1997 of II ADDL.DISTRICT COURT,ERNAKULAM

.....

REVN. PETITIONER: PETITIONER:

VARGHESE, S/O. KUNJUVARIATH,
PALATTY HOUSE, MANJAPRA, VADAKKUMBHAGAM,
ERNAKULAM DISTRICT.

BY ADV. SRI.H.SIVARAMAN
SRI.MATHEW CHERIAN
SRI.T.J.SALIM

RESPONDENTS:

---

1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDHUTHI BHAVAN, THIRUVANANTHAPURAM.

2. THE DEPUTY TAHSILDAR (LA) FOR K.S.E.B.,
POWER HOUSE ROAD, COCHIN-18.

BY ADV. SRI.K.S.ANIL, SC, KSEB

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 05/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

HARUN-UL-RASHID, J.

C.R.P No. 72 of 2005

Dated this the 5th day of October 2007

ORDER

The petitioner herein is the petitioner before the court below who has filed a petition under Section 10 and 16 of the Indian Telegraphs Act and section 51 of the Electricity Act and Section 42 of the Indian Electricity (Supply) Act claiming compensation. The respondent Board have cut and removed valuable yielding and non- yielding trees and awarded a compensation of Rs, 92,925/-. According to the petitioner the amount assessed by the respondent Board is inadequate and therefore moved the court below for claiming enhancement of compensation. The court below after taking into consideration the amount awarded by the K.S.E.B, . further ordered that the petitioner is entitled to get 80% of the award amount as additional compensation. Since the present worth difference will be 80%, the court below awarded an additional compensation of Rs. 76,740/-

The petitioner in this Civil Revision Petition was complaining that the court below did not grant compensation towards the diminution of land value. According to him he is also entitled to get an amount of Rs. 1,25,000/- towards the diminution of land value for the 25 cents of land from where the trees are cut and removed. Since the capitalised value of the above trees were given, the court below did not grant any

compensation under that head and found that the petitioner is not entitled to get any enhanced compensation towards the diminution of land value. The amount awarded by the K.S.E.B. and the additional amount granted by the court below is is the compensation amount in consequence of the cutting and removal of the trees on the 25 cents of land. On the very same ground no land value can be awarded by the court below and the court below rightly declined any more compensation under separate heads i.e for diminution of land value. I find no merit in the Civil Revision Petition field by the petitioner. Therefore the the C.R.P is dismissed .

HARUN-UL-RASHID,JUDGE

es